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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
In re	:	Chapter 11 Case No.
	:	
EXTENDED STAY INC., <u>et al.</u> ,	:	09-13764 (JMP)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
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**AGENDA OF MATTERS SCHEDULED FOR
HEARING ON SEPTEMBER 10, 2009 AT 10:00 A.M. (EASTERN TIME)**

Location of Hearing: The Honorable James M. Peck
United States Bankruptcy Judge, One Bowling Green, Room 601
New York, New York 10004

Copies of Motions: A copy of each pleading can be viewed and/or obtained by:
(i) accessing the Court's website at www.nysb.uscourts.gov,
(ii) contacting the Office of the Clerk of the Court at One
Bowling Green, New York, New York 10004, or (iii) from the
Debtors' website maintained by their notice and claims agent,
Kurtzman Carson Consultants LLC, at
www.kccllc.net/extendedstay.

Please note that a PACER password is needed to access
documents on the Court's website.

¹ A list of the Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, is attached hereto as "Exhibit A."

I. ADJOURNED MATTERS

1. Debtors' Application to Employ and Retain PKF Consulting as Appraisers Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code and Rule 2014 of the Federal Rules of Bankruptcy Procedure [**Docket No. 266**]

Response Deadline: October 2, 2009 at 4:00 p.m.

Responses Filed/Received: None as of yet

Status: **This matter is being adjourned to October 8, 2009 at 10:00 a.m.**

II. ADVERSARY PROCEEDINGS

- A. **Line Trust Corporation Ltd. and Deuce Properties Ltd., v. David Lichtenstein, Lightstone Holdings LLC, Wells Fargo Bank, N.A., in its Capacity as Trustee, Wachovia Bank, N.A., Bank of America, N.A., U.S. Bank National Association, Cerberus Capital Management, L.P., Centerbridge Partners, L.P., Adv. Proc. No. 09-01354**

1. Plaintiffs' Notice of Motion to Remand [**Docket No. 4**]

Response Deadline: August 17, 2009

Responses Filed/Received:

- A. Debtors' Memorandum in Opposition to Plaintiffs' Motion to Remand [**Docket No. 18**]
- B. Opposition of Defendants Cerberus Capital Management, L.P. and Centerbridge Partners, L.P. to Plaintiffs' Motion for Remand [**Docket No. 19**]
- C. Declaration of Gregg L. Weiner [**Docket No. 21**]
- D. Joinder of Defendant Wells Fargo Bank, N.A. in Cerberus Capital Management, L.P.'s and Centerbridge Partners, L.P.'s Opposition to Plaintiff's Motion to Remand [**Docket No. 24**]
- E. Memorandum of Law of Defendants David Lichtenstein and Lightstone Holdings, LLC in Opposition to Plaintiff's Motion to Remand [**Docket No. 25**]
- C. Declaration of Joseph E. Teichman, Esq. in Opposition to Plaintiff's Motion to Remand [**Docket No. 26 in Adv. Proc. 09-01354**]

Related Documents:

- A. Affidavit of Steven B. Meister [**Docket No. 5**]
- B. Memorandum of Law in Support of Plaintiff's Motion to Remand [**Docket No. 6**]
- C. So Ordered Stipulation and Order Setting Briefing Schedule Regarding the Plaintiff's Motion to Remand [**Docket No. 11**]
- D. Reply Memorandum in Further Support of Plaintiff's Motion to Remand Pursuant to 28 U.S.C. § 1452(b) or. Alternatively, for Abstention Pursuant to 28 U.S.C. § 1334(c) [**Docket No. 34**]

Status: **This matter is going forward.**

- 2. Debtors' Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code [**Docket No. 17**]

Response Deadline: September 3, 2009 at 4:00 p.m.

Responses Filed/Received:

- A. Objection of Line Trust Corporation, Ltd. and Deuce Properties, Ltd. to Debtors' Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code [**Docket No. 32**]
- B. Debtors' Memorandum in Further Support of their Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code [**Docket No. 35**]

Related Documents:

- A. Notice of Hearing Regarding Debtors' Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code [**Docket No. 28**]

Status: **This matter is going forward.**

- B. **Bank of America, N.A., Wachovia Bank, N.A., Merrill Lynch Mortgage Lending, Inc., U.S. Bank National Association, as Trustee for Maiden Lane Commercial Mortgage Backed Securities Trust 2008-1, Debt II ESH, L.P., Debt-U ESH, L.P. and Keybank National Association v. Lightstone Holdings, LLC and David Lichtenstein, Adv. Proc. No. 09-01353**
- 3. Notice of Plaintiffs' Motion to Remand [**Docket Nos. 2 and 6**]

Response Deadline: August 17, 2009

Responses Filed/Received:

- A. Debtors' Memorandum in Opposition to Plaintiffs' Motion to Remand **[Docket No. 10]**
- B. Defendants' Memorandum in Opposition to Plaintiffs' Motion to Remand **[Docket No. 13]**
- C. Declaration of Joseph E. Teichman, Esq. in Opposition to Plaintiff's Motion to Remand **[Docket No. 14]**

Related Documents:

- A. So Ordered Stipulation and Order Regarding Plaintiff's Motion for Remand **[Docket No. 8]**
- B. Reply Memorandum of Law In Support of Plaintiff's Motion to Remand **[Docket No. 20]**

Status: **This matter is going forward.**

- 4. Debtors' Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code **[Docket No. 9]**

Response Deadline: September 3, 2009 at 4:00 p.m.

Responses Filed/Received:

- A. Plaintiffs' Response to Debtors Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code **[Docket No. 19]**
- B. Debtors' Memorandum in Further Support of their Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code **[Docket No. 21]**

Related Documents:

- A. Notice of Hearing Regarding Debtors' Motion to Intervene Pursuant to Rule 7024 of the Federal Rules of Bankruptcy Procedure and Section 1109(b) of the Bankruptcy Code **[Docket No. 16]**

Status: This matter is going forward.

C. **Five Mile Capital II SPE ESH L.L.C. v. Cerberus Capital Management, L.P., Centerbridge Partners, L.P., The Blackstone Group, Inc., and Gem Capital Management, Inc., Adv. Proc. No. 09-01367**

5. Motion of Plaintiff Five Mile Capital II SPE ESH LLC for Entry of an Order Remanding Adversary Proceeding to the New York Supreme Court [**Docket No. 5**]

Response Deadline: August 27, 2009

Responses Filed/Received:

- A. Debtors' Memorandum in Opposition to Plaintiffs' Motion to Remand [**Docket No. 13**]
- B. Opposition of Defendants Cerberus Capital Management, L.P. And Centerbridge Partners, L.P. to Plaintiff Five Mile Capital II SPE ESH L.L.C.'s Motion For Remand [**Docket No. 14**]
- C. Declaration of Michael E. Swartz [**Docket No. 15**]

Related Documents:

- A. Declaration of Jeffrey T. Golenbock in Support of Motion of Plaintiff Five Mile Capital II SPE ESH LLC for Entry of an Order Remanding Adversary Proceeding to the New York Supreme Court [**Docket No. 6**]
- B. Memorandum of Law in Support of Motion of Plaintiff Five Mile Capital II SPE ESH LLC for Entry of an Order Remanding Adversary Proceeding to the New York Supreme Court [**Docket No. 7**]
- C. Amended Notice of Hearing of Plaintiff Five Mile Capital II SPE ESH LLC for Entry of an Order Remanding Adversary Proceeding to the New York Supreme Court [**Docket No. 9**]
- D. So Ordered Stipulation and Order By and Between the Parties Regarding the Plaintiff's Motion to Remand [**Docket No. 10**]

E. Reply Memorandum in Further Support of Motion of Plaintiff Five Mile Capital II SPE ESH LLC for Entry of an Order Remanding Adversary Proceeding to the New York Supreme Court [**Docket No. 18**]

Status: **This matter is going forward.**

Dated: September 9, 2009
New York, New York

/s/ Jacqueline Marcus
Marcia L. Goldstein
Jacqueline Marcus
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New York, New York 10153
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Facsimile: (212) 310-8007

Attorneys for Debtors
and Debtors in Possession

Exhibit A

Debtor	Last Four Digits of Federal Tax I.D. Number
Extended Stay Inc.	7401
ESA P Portfolio L.L.C. f/k/a BRE/ESA P Portfolio L.L.C.	7190
ESA 2005 Portfolio L.L.C. f/k/a BRE/ESA 2005 Portfolio L.L.C.	8617
ESA 2005-San Jose L.L.C. f/k/a BRE/ESA 2005-San Jose L.L.C.	1317
ESA 2005-Waltham L.L.C. f/k/a BRE/ESA 2005-Waltham L.L.C.	1418
ESA Acquisition Properties L.L.C. f/k/a BRE/ESA Acquisition Properties L.L.C.	8149
ESA Alaska L.L.C. f/k/a BRE/ESA Alaska L.L.C.	8213
ESA Canada Properties Borrower L.L.C. f/k/a BRE/ESA Canada Properties Borrower L.L.C.	7476
ESA FL Properties L.L.C. f/k/a BRE/ESA FL Properties L.L.C.	7687
ESA MD Borrower L.L.C. f/k/a BRE/ESA MD Borrower L.L.C.	8839
ESA MN Properties L.L.C. f/k/a BRE/ESA MN Properties L.L.C.	0648
ESA P Portfolio MD Borrower L.L.C. f/k/a BRE/ESA P Portfolio MD Borrower L.L.C.	7448
ESA P Portfolio PA Properties L.L.C. f/k/a BRE/ESA P Portfolio PA Properties L.L.C.	6306
ESA P Portfolio TXNC Properties L.P. f/k/a BRE/ESA P Portfolio TXNC Properties L.P.	7378
ESA PA Properties L.L.C. f/k/a BRE/ESA PA Properties L.L.C.	7652
ESA Properties L.L.C. f/k/a BRE/ESA Properties L.L.C.	1249
ESA TX Properties L.P. f/k/a BRE/ESA TX Properties L.P.	1295
ESH/Homestead Portfolio L.L.C. f/k/a BRE/Homestead Portfolio L.L.C.	9049
ESH/HV Properties L.L.C. f/k/a BRE/HV Properties L.L.C.	8927
ESH/MSTX Property L.P. f/k/a BRE/MSTX Property L.P.	5862
ESH/TN Properties L.L.C. f/k/a BRE/TN Properties L.L.C.	5781
ESH/TX Properties L.P. f/k/a BRE/TX Properties L.P.	6964
ESH/Homestead Mezz L.L.C.	9883

Debtor	Last Four Digits of Federal Tax I.D. Number
f/k/a BRE/Homestead Mezz L.L.C.	
ESA P Mezz L.L.C.	7467
f/k/a BRE/ESA P Mezz L.L.C.	
ESA Mezz L.L.C.	0767
f/k/a BRE/ESA Mezz L.L.C.	
ESH/Homestead Mezz 2 L.L.C.	9903
f/k/a BRE/Homestead Mezz 2 L.L.C.	
ESA P Mezz 2 L.L.C.	7480
f/k/a BRE/ESA P Mezz 2 L.L.C.	
ESA Mezz 2 L.L.C.	0866
f/k/a BRE/ESA Mezz 2 L.L.C.	
ESH/Homestead Mezz 3 L.L.C.	9936
f/k/a BRE/Homestead Mezz 3 L.L.C.	
ESA P Mezz 3 L.L.C.	8977
f/k/a BRE/ESA P Mezz 3 L.L.C.	
ESA Mezz 3 L.L.C.	0929
f/k/a BRE/ESA Mezz 3 L.L.C.	
ESH/Homestead Mezz 4 L.L.C.	9953
f/k/a BRE/Homestead Mezz 4 L.L.C.	
ESA P Mezz 4 L.L.C.	8997
f/k/a BRE/ESA P Mezz 4 L.L.C.	
ESA Mezz 4 L.L.C.	0964
f/k/a BRE/ESA Mezz 4 L.L.C.	
ESH/Homestead Mezz 5 L.L.C.	9613
f/k/a BRE/Homestead Mezz 5 L.L.C.	
ESA P Mezz 5 L.L.C.	9186
f/k/a BRE/ESA P Mezz 5 L.L.C.	
ESA Mezz 5 L.L.C.	1006
f/k/a BRE/ESA Mezz 5 L.L.C.	
ESH/Homestead Mezz 6 L.L.C.	9667
f/k/a BRE/Homestead Mezz 6 L.L.C.	
ESA P Mezz 6 L.L.C.	9247
f/k/a BRE/ESA P Mezz 6 L.L.C.	
ESA Mezz 6 L.L.C.	8995
f/k/a BRE/ESA Mezz 6 L.L.C.	
ESH/Homestead Mezz 7 L.L.C.	9722
f/k/a BRE/Homestead Mezz 7 L.L.C.	
ESA P Mezz 7 L.L.C.	9349
f/k/a BRE/ESA P Mezz 7 L.L.C.	
ESA Mezz 7 L.L.C.	9065
f/k/a BRE/ESA Mezz 7 L.L.C.	
ESH/Homestead Mezz 8 L.L.C.	9779
f/k/a BRE/Homestead Mezz 8 L.L.C.	
ESA P Mezz 8 L.L.C.	9402
ESA Mezz 8 L.L.C.	9117
f/k/a BRE/ESA Mezz 8 L.L.C.	
ESH/Homestead Mezz 9 L.L.C.	1011
f/k/a BRE/Homestead Mezz 9 L.L.C.	

Debtor	Last Four Digits of Federal Tax I.D. Number
ESA P Mezz 9 L.L.C.	0281
ESA Mezz 9 L.L.C.	0923
ESH/Homestead Mezz 10 L.L.C. f/k/a BRE/Homestead Mezz 10 L.L.C.	1063
ESA P Mezz 10 L.L.C.	0224
ESA Mezz 10 L.L.C.	0175
Homestead Village L.L.C. f/k/a BRE/Homestead Village L.L.C.	8930
ESA MD Beneficiary L.L.C. f/k/a BRE/ESA MD Beneficiary L.L.C.	7038
ESA P Portfolio MD Trust f/k/a BRE/ESA P Portfolio MD Trust	8258
ESA MD Properties Business Trust f/k/a BRE/ESA MD Properties Business Trust	6992
ESA P Portfolio MD Beneficiary L.L.C. f/k/a BRE/ESA P Portfolio MD Beneficiary L.L.C.	8432
ESA Canada Properties Trust f/k/a BRE/ESA Canada Properties Trust	2314
ESA Canada Trustee Inc. f/k/a BRE/ESA Canada Trustee Inc.	2861
ESA Canada Beneficiary Inc. f/k/a BRE/ESA Canada Beneficiary Inc.	7543
ESA UD Properties L.L.C.	7075
ESA 2007 Operating Lessee Inc. f/k/a BRE/ESA 2007 Operating Lessee Inc.	9408
ESA 2005 Operating Lessee Inc. f/k/a BRE/ESA 2005 Operating Lessee Inc.	8471
ESA Operating Lessee Inc. f/k/a BRE/ESA Operating Lessee Inc.	4369
ESA P Portfolio Operating Lessee Inc. f/k/a BRE/ESA P Portfolio Operating Lessee Inc.	7433
ESA Business Trust f/k/a BRE/ESA Business Trust	8078
ESA Management L.L.C.	9101
ESA P Portfolio Holdings L.L.C. f/k/a BRE/ESA P Portfolio Holdings L.L.C.	8432
ESA Canada Operating Lessee Inc. f/k/a BRE/ESA Canada Operating Lessee Inc.	8838
Extended Stay Hotels L.L.C.	7438